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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,749	03/31/2000	Peter A. Balkus	A0521/7189	9372
26643 7590 07/07/2009 OLIVER STRIMPEL, PATENT COUNSEL AVID TECHNOLOGY, INC. ONE PARK WEST TEWKSBURY, MA 01876				
			EXAMINER VAUGHN, GREGORY J	
			ART UNIT 2178	PAPER NUMBER
			NOTIFICATION DATE 07/07/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/539,749

Applicant(s)

BALKUS ET AL.

Examiner

GREGORY J. VAUGHN

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 9, 11, 12, 14, 25, 26 and 28-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 9, 11, 12, 14, 25, 26 and 28-30 is/are rejected.
- 7) ☒ Claim(s) 31-38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Application Background

1. This action is responsive to the amendment filed on 4/22/2009.
2. Applicant has amended claims 1, 9, 11, 12 and 25; and added new claims 31-38. Claims 2-8, 10, 13, and 15-24 were previously canceled.
3. Claims 1, 9, 11, 12, 14, 25, 26 and 28-38 are pending in the case; claims 1, 9, 12 and 25 are independent claims.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:
"The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention."
5. Claims 1, 9, 11, 12, 14, 25, 26 and 28-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
6. **Regarding independent claim 1**, the amendment filed 4/22/2009 adds the following limitations: *"by allowing the user to select, for each portion of the display*

area, a corresponding media type for the portion of the display area" (third limitation). The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.

7. **Regarding independent claims 9, 12, and 25**, the claims are rejected for substantially the same reason as claim 1.
8. **Regarding dependent claims 11, 14, 26 and 28-38**, the claims are rejected for incorporating all the deficiencies of their base claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

6. Claims 1, 9, 12 and 25 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Escobar et al. US Patent 5,659,793, filed 12/22/1994, patented 8/19/1997, (hereinafter "*Escobar*") in view of Wittenburg et al. US Patent 6,515,656, filed 4/30/1999, patented 2/4/2003, (hereinafter "*Wittenburg*").

7. **Regarding independent claim 1**, the applicant defines temporal and nontemporal media as *"temporal media, such as video, audio and computer-generated animation, and nontemporal media, such as still images, text, hypertext documents etc"* (page 4, lines 12-14). Escobar discloses in Figure 1, a graphical user interface for authoring presentations, with a temporal media timeline (shown as *"Video Time Line"* at reference signs 140 and 141), nontemporal media timelines (shown as *"Program Object Time Line"* at reference sign 160).

Escobar discloses a viewer having access to and using the timeline to display the media presentation. Escobar recites *"Button 174 permits part or all of an application under development to be run and displayed at a location specified, typically in the Display/Edit Window 100, so that the impact of the decisions made in editing of a portion or all of an application may be viewed under run time conditions"* (column 6, lines 41-45). Escobar further recites: *"Button 173 invokes application creation or editing functions which permit objects to be assembled into applications with relative timing specified by their placement along the timeline tracks"* (column 6, lines 37-41).

Escobar discloses an encoder to output a media presentation from the timeline. Escobar recites: *"the objects can be combined and only the combined integrated final application can be sent as a live program"* (column 20, lines 31-33).

Escobar discloses a graphical user interface for authoring presentations with temporal and nontemporal media and their timelines for the multimedia presentation. Escobar fails to disclose data that defines the portion of the display area in which of the first and second media tracks will be displayed (i.e. the spatial relationship).

Wittenburg teaches controlling the spatial relationships of the display of the media objects. Wittenburg recites: *"The techniques described are capable of using a number of different spatial layout techniques and transitions for rendering individual multimedia data items to be presented in a particular presentation area"* (column 14, lines 39-42). Wittenburg further illustrates several presentations with spatially related media objects in Figures 6-10. Wittenburg discloses a user modifying the data defining the spatial relationships – see claim 18.

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to combine the multimedia authoring tool of Escobar with the use of spatial relationships, as taught by Wittenburg, in order to create *"a technique for viewing and selecting information by incorporating imagery and other media, as well as text, that uses a hierarchical organization, and deploys controls for speed and direction of information presented"* (Wittenburg, column 2, lines 19-23).

8. **Regarding independent claim 9**, the claim contains substantially the same subject matter as claim 1, and remains rejected using the same rationale.
9. **Regarding independent claim 12**, the claim contains substantially the same subject matter as claim 1, and remains rejected using the same rationale.
10. **Regarding independent claim 25**, the claim is directed toward a computer program product for the system of claim 1, and remains rejected using the same rationale.

11. Claims 11, 14, 26 and 28-30 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Escobar in view of Wittenburg, and in further view of Gill et al. US Patent 6,081,262, filed 12/4/1996, patented 6/27/2000, (hereinafter "*Gill*").
12. **Regarding amended dependent claim 11**, Escobar and Wittenburg disclose a multimedia authoring system using timelines of temporal and nontemporal media. Escobar and Wittenburg fail to disclose the use of a time bar to manipulate the media time lines. Gill discloses the use of a time bar in Figure 2, at reference sign PL.

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to combine the multimedia authoring system of Escobar and Bergman with the controllable time bar of Gill in order "*to combine media objects of multiple diverse types into an integrated multi-media presentation*" (Gill, Column 1, lines 8-10).

13. **Regarding dependent claims 14 and 26**, the claims contain substantially the same subject matter as claim 11, and remain rejected using the same rationale.
14. **Regarding dependent claim 28**, Escobar and Wittenburg disclose a multimedia authoring system using timelines and spatial relationships of temporal and nontemporal media. Escobar and Wittenburg fail to disclose the display area divided into frames. Gill teaches the use of display frames. Gill Discloses in Figure 2, a text frame (shown at reference sign TB) and a movie frame (shown at reference sign MB).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to combine the multimedia authoring system of Escobar and Bergman with the display frames of Gill in order *"to combine media objects of multiple diverse types into an integrated multi-media presentation"* (Gill, Column 1, lines 8-10).

15. **Regarding dependent claims 29 and 30**, Escobar, Wittenburg and Gill disclose a multimedia authoring system using timelines and spatial relationships of temporal and nontemporal media. Escobar and Gill fail to disclose the multimedia presentation defined by a markup language document (claim 29) and where the markup language document contains additional nontemporal media (claim 30). Wittenburg discloses the use of markup language documents with nontemporal media. Wittenburg recites: *"user interface components may include, for example, JAVA Script code and data, and dynamic HTML files"* (column 4, lines 36-38).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to represent the multimedia presentation of Escobar and Gill as a markup language document with additional content, as taught by Wittenburg, in order to create *"a technique for viewing and selecting information by incorporating imagery and other media, as well as text, that uses a hierarchical organization, and deploys controls for speed and direction of information presented"* (Wittenburg, column 2, lines 19-23).

Allowable Subject Matter

16. Claims 31, 33, 35 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
17. Claims 32, 34, 36 and 38 are objected to as being dependent from claims 31, 33, 35 and 37, respectively. If claims 31, 33, 35 and 37 were to be rewritten in independent form including all of the limitations of the base claim and any intervening claims, the objection to claims 32, 34, 36 and 38 would be withdrawn.

Response to Arguments

18. Applicant's arguments filed 4/22/2009 have been fully considered but they are not persuasive.
19. **Regarding independent claim 1**, the examiner has rejected the claim amendment as noted above. The examiner has searched the originally filed specification for "*allowing the user to select ... a media type*". The examiner was unable to find support for this limitation. Applicant is required to cancel the new matter in response to this office action.
20. **Also regarding independent claim 1**, applicant argues that: "*Whittenburg does not describe user modification of the positions of the multimedia data items in the two-dimensional plane. Instead, the computer positions the multimedia data items in a two-dimensional plane according to the specified presentation*" (page 8, first paragraph of the response filed 4/22/2009). Applicant is directed toward the rejection of claim, as stated above. It should be noted that Whittenburg is relied upon to show controlling the spatial relationships of the display of the media objects. Escobar is relied upon to show a user authoring a multimedia presentation by manipulating the properties of multimedia objects. Escobar fails to describe the multimedia properties to include position information. Whittenburg teaches controlling the position information of the multimedia objects. The motivation to combine these references is presented above.

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Stephen S. Hong/
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Patent Examiner
June 30, 2009